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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,438	01/26/2006	Sylvain Faure	355901-0108	5915

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EXAMINER	
WEBB, GREGORY E	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
10/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/520,438	FAURE ET AL.	
	Examiner	Art Unit	
	Gregory E. Webb	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1. The applicant's amendments have overcome previous 101 and 112 rejections. The applicant's claims now have an active step involving contacting the composition with a surface.

2. The applicant's amendments have overcome rejections based on '469 Dingus, '296 Gauchon, and '897 Grawe.

3. Concerning the '200 Fournel reference, the examiner does not agree with the argument that viscosing agent are in some way different from gelling agents. The examiner argues these two term are in fact synonymous. Both a viscosing agent and a gelling agent will act to increase the viscosity of the composition and would inherently provide the same action upon the foam.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fournel et al (US 6,561,200).

Concerning the gelling agent and the glucoside, Fournel, Bruno teaches the following:

In a further example, the liquid phase of a **foam**, for example a **decontamination foam**, which may be used according to the invention, may be made up of an aqueous solution containing: 3 to 6 mol.1.sup.-1 **sulphuric acid**, 0.1 to 1% by weight of a **viscosing compound**, 0.2 to 0.5% by weight of betaine, 0.3 to 1% by weight of an **oligosaccharide alkyl ether**, and optionally, 0.2 to 1% by weight of a destabilising agent.

Concerning the hydrochloric acid, decontamination, foam, and oxalic acid, Fournel, Bruno teaches the following:

In the liquid phase of the **foam**, the **decontamination** reagent may be made up of reagents routinely used in wet process **decontamination** methods. If the objects to be **decontaminate**d are in metal, particular use is made of reagents made up of inorganic or organic acids or bases. As an example of acid reagents, mention may be made of **hydrochloric acid**, **nitric acid**, **sulphuric acid** and **phosphoric acid** which may be used alone or in combination. It is also possible to use organic reagents such as citric or **oxalic acids**.

7. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by D'Muhala et al (US 5,817,186).

Concerning the foam, and gelling agent, Muhala, Thomas F. teaches the following:

The method of the invention also may include applying an inorganic scale removing compound to the surface so as to remove inorganic scale that may be present on the surface. The inorganic scale removing compound may be applied by any suitable means known to the skilled artisan. For example, such compounds could be applied to the surface in a dip tank with or without agitation; sprayed onto the surface at low to high pressures such as 30 to 250 psi; **foam**ed onto a surface using a **foaming** additive; and **gelled** onto the surface using an appropriate **gelling agent**.

Concerning the decontamination, Muhala, Thomas F. teaches the following:

The present invention also provides a method of **decontaminating** a surface. Specifically, the method comprises providing a metal surface having the organic contaminant, and contacting the metal surface with a composition which comprises 30 to 70 percent by weight of a terpene-based component, 1 to 15 percent by weight of an amide, 1 to 20 percent by weight of a surfactant, and 5 to 50 percent by weight of an alpha olefin sulfonate or alkoxy sulfate so as to **decontaminate** the surface. In a preferred embodiment, the method further comprises separating the composition from the contaminant such that the composition is re-usable.

Concerning the oxalic acid, Muhala, Thomas F. teaches the following:

8. The method according to claim 7 wherein the inorganic scale removing compound is selected from the group consisting of ethylenediaminetetraacetic acid, citric acid, **oxalic acid**, a hydrazide, and mixtures thereof.

8. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Schenker (US 5,093,073).

Concerning the foam and the gelling agent, Schenker, Erhard teaches the following:

To enable the quantity of the particular solution required to be minimized, it is expedient to squirt or to spray it during the first treatment step and, if appropriate, also during the second treatment step onto the surface layers which are to be treated. It is also possible to apply the solution as a **foam** or thixotropic phase to the surfaces which are to be treated. Finally, a **thickener** can also be added to the solution which can then be applied as a coating directly to the surface layers which are to be treated.

Concerning the decontamination, and oxalic acid, Schenker, Erhard teaches the following:

The second treatment step can be of a chemical or physical nature. It has been found that the surface layers modified in the first treatment step, for example those of carbon steels, stainless chromium steels, nickel alloys and other materials usual in reactor construction, can be removed solely by mechanical and/or hydraulic action, for example by means of a high-pressure water jet, or chemically dissolved, in order to achieve complete **decontamination**. The chemical dissolution of the surface layers can be carried out with highly diluted solutions of organic acids, for example **oxalic acid**, citric acid or ascorbic acid, at usual room temperature, it also being possible in addition to add complexing agents and corrosion inhibitors to the solutions.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory E. Webb/
Primary Examiner, Art Unit 1796

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